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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,605	12/28/2001	David Harriman	42390.P13764	2731

7590 06/30/2005

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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,605

Applicant(s)

HARRIMAN ET AL.

Examiner

Azizul Choudhury

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,10,11 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-6, 10-11 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/7/04, 3/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This office action is in response to the correspondence received on April 11, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-6, 10-11 and 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by RFC 791.

1. With regards to claims 1, 6, and 11, RFC 791 teaches an apparatus, comprising:
a data path output unit to output a packet header, the packet header including: a format field to partially specify the packet header format; and a type field to specify a transaction type, wherein the format field and the type field together specify the packet header format, the format field also indicates the size of the packet header and whether the packet includes data (The RFC discloses the packet header composition (Section 3.1, RFC 791). It contains version (equivalent to claimed format) and type of service (equivalent to claimed type) fields, which combined makes up a byte within the header. In addition, it features a field for the IHL (equivalent to header size field) and a total length field

(equivalent to the claimed field of whether packet includes data, if total length is equal to IHL, there is no data in the packet)).

2. With regards to claims 5, 10 and 16, RFC 791 teaches the apparatus, wherein the format field and the type field are located in the first byte of the packet header to be output by the data path output unit (The RFC discloses the packet header composition (Section 3.1, RFC 791). It contains version (equivalent to claimed format) and type of service (equivalent to claimed type) fields, which combined makes up a byte within the header).
3. With regards to claims 17, 18, 20 and 22, RFC 791 teaches the apparatus wherein the transaction type comprises one of requests or completions (The RFC discloses the packet header composition (Section 3.1, RFC 791). It features checksum and the type of service field allows for a variety of subfields).
4. With regards to claim 19, RFC 791 teaches an apparatus comprising: a data path output unit to output a packet header for a transaction layer packet, wherein the packet header includes: a format field to partially specify the packet header format; and a type field to specify a transaction type, wherein the format field and the type field are located in the first byte of the packet header and together specify the packet header format, the format field also indicates the size of the packet header and whether the packet includes a data payload that is four-bytes,

naturally aligned and limited in size by a maximum data payload value (The RFC discloses the packet header composition (Section 3.1, RFC 791). It contains version (equivalent to claimed format) and type of service (equivalent to claimed type) fields, which combined makes up a byte within the header. In addition, it features a field for the IHL (equivalent to header size field) and a total length field (equivalent to the claimed field of whether packet includes data, if total length is equal to IHL, there is no data in the packet). Finally, RFC 791 discloses the availability of the offset fields (equivalent to the claimed naturally aligned field)).

5. With regards to claim 21, RFC 791 teaches the apparatus wherein the request transaction type comprises one of a memory read request or a memory write request (RFC 791 discloses that the type of service field (transaction type) allows for a number of subfields including reliability and flash (Section 3.1, RFC 791)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over RFC 791 in view of Sandberg (US Pat No: US005522045A).

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6. With regards to claim 15, Sandberg teaches the system wherein the transmitting device and the receiving device are coupled via a serial interface

(RFC 791 discloses the standards set for data packet headers. However, the RFC does not disclose the mediums involved in data transmission.

Sandberg discloses a design that makes use of networks that use data packets and hence incorporate data packet headers. Sandberg's design allows for serial network connections (column 7, lines 66-67, Sandberg).

It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of RFC 791 with those of Sandberg, for the purpose of transmitting data over a network).

Response to Remarks

In response to the amendment received on April 11, 2005, the examiner has conducted a new search and has compiled a revised office action. This is in an effort to further demonstrate using stronger prior art, that the claimed invention is currently well known in the art. The applicant is advised to amend the claims to reflect more novel traits, if available within the specifications of their design, to overcome the prior arts presented.

Conclusion

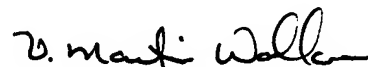
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC



VALANCIA MARTIN-WALLACE
SENIOR PATENT EXAMINER